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Technical assistance and capacity-building

Written statement* submitted by the Women's International League for Peace and Freedom, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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"You are missing the full picture": the international community's role in strengthening Libyan women's meaningful participation in decision-making and peace processes**

The start of this year marked the launch of the United Nations (UN) Action Plan for Libya, which has helped revive the peace process, re-establish UNSMIL in Tripoli and hold long-awaited elections in Zawiya.[1] The consultative phase of the Libyan National Conference Process, which is part of this Action Plan, ended in July 2018. The outreach of this consultative phase was one of a kind, with more than 75 meetings, over 2000 online submissions, more than half a million comments on social media, and, most importantly, over 7000 Libyans participating in it. Regrettably, however, only a quarter of them were women. [2] This low level of women's participation is the consequence of a process that did not prioritise women's meaningful participation. It is also likely to result in the overlook of the realities and interests of women in the community.

Participants in this consultative phase made recommendations that tackled key issues for Libya today: defence and security, institution building and governance.[3] The drafting of the final report of this process is still under way; however, it is already possible to conclude, based on what has been reported so far, that no emphasis was put on the role of women in peacebuilding, nor did this process address their specific struggles. While a deeper assessment of how gender-sensitive the consultation process was will be possible only once the final report is made public, the lack of outreach efforts to be gender inclusive is obvious from the limited participation of women.

This is yet another example of the limited efforts being made to include women in community peacebuilding efforts in Libya that have been reported by national[4] and international organisations.[5] Many Libyan women's rights activists criticize the lack of formal recognition and real political will from the international community to support Libyan women's meaningful participation in formal political and peace processes.[6] Women are often not given platforms or opportunities to utilize their capacities and expertise to build the future of their country. Many of the meetings mediated and facilitated by the UN or by Member States have not included women; a stark example was the Paris Summit on Libya held last May at which no women were in attendance. This sends an explicit message to Libyan decision-makers that women's participation in decision making and the peace process is not necessary.

Furthermore, the international community when designing the political processes in Libya has put the emphasis on a regional/tribal quota system, whereby political representation and participation are based on tribal, geographical or ethnic affiliation. In the absence of a gender quota, this system negatively affects women, as male regional and tribal leaders do not nominate women to take part in these processes.[7]

The reality is that women in Libya have been working for so long on initiatives to promote and support peace and security, with no formal recognition or political support by national and international actors alike. Women activists are able to mobilize, reach out to local communities and play a very active role to address the constraints imposed by the security situation. Briefing the Security Council on 21 May 2018, Ghassan Salamé, the Special Representative of the UN Secretary General for Libya (the Special Representative), shared his continued assessment that *"parties are unwilling to make the necessary concessions"* in order to agree on Amendments to the Libyan Political Agreement (LPA).[8] Yet, in sharing this assessment he failed to criticize the parties' exclusion of women.

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1 Remarks by Ghassan Salamé: https://unsmil.unmissions.org/remarks-srsg-ghassan-salamé-united-nations-security-council-situation-libya-16-july-2018

2 *Ibid.*

3 Centre for Humanitarian Dialogue: https://www.hdcentre.org/updates/consultations-for-the-libyan-national-conference-come-to-an-end/

4 WILPF, Feminism at the Frontline: Addressing Women's Multidimensional Insecurity in Yemen and Libya: https://wilpf.org/report-release-feminism-at-the-frontline-addressing-womens-multidimensional-insecurity-in-yemen-and-libya/

5 https://reliefweb.int/sites/reliefweb.int/files/resources/03AWomenPeaceNeg.pdf

6 TWBI's conclusion based on their experience.

7 WILPF, Feminism at the Frontline, *op. cit.*

8 Remarks by Ghassan Salamé: https://unsmil.unmissions.org/remarks-srsg-ghassan-salamé-united-nations-security-council-situation-libya-16-july-2018

At the same time, migrants, refugees and asylum seekers in Libya, especially women, continue to face human rights violations and abuses, including arbitrary detention and forced labour, reportedly inflicted by armed groups, smugglers, traffickers and criminal gangs.[9] Women and girls are gravely and disproportionately impacted, including by gender-based violence. Yet, there are significant limitations with the data collection relating to gender-based violence in Libya. Survivors face stigma and risks to their safety in reporting, and those who are prepared to take those risks are not offered meaningful services.[10] Women also experience restrictions in their freedom of movement under the excuse of the security situation, restrictions which, in turn, limit their access to education and economic opportunities.[11]

In the context of the 'war on ISIS', the international community's focus on militarised strategies to defeat ISIS has formed a serious threat to the continuation of the arms embargo on Libya. This threat has resulted in calls from the Special Representative for UN Member States to prevent the sale or supply of arms and related materials to Libya.[12] Women activists strongly support these calls, pointing out that any breaches to the arms embargo will do little to create security and that instead, it risks escalating the existing crises in the country. The risk of increased militarisation is exacerbated by the emerging online markets that are already facilitating the proliferation of illicit small arms and light weapons among various non-state armed groups.[13] Moreover, the efforts for stabilisation and security must be combined with serious and immediate plans for Disarmament, Demobilisation and Reintegration (DDR).[14]

Recommendations

We urge the Human Rights Council Members and observer States to:

Create an inclusive grassroots foundation for peace, including by:

- Ensuring equal inclusion of women in the consultative process and all subsequent stages of peacebuilding efforts.
- Ensuring the implementation of the calls in UN Security Council resolution 2323 (2016) for a "full, equal and effective participation of women in all activities related to the democratic transition, conflict resolution and peacebuilding."
- Consulting women civil society activists in Libya and in the Libyan diaspora on all matters related to peace and security, in order to send a clear message to Libyan decision-makers that women have an important role to play in formal peace processes.
- Mainstreaming gender in all layers of conflict resolution efforts, in consultation, implementation, monitoring and evaluation, as well as in humanitarian response and recovery.

Strengthen women's role and presence in the political sphere, including by:

- Urging the Libyan government and international actors to reaffirm their commitment to ensure full inclusion of women in the peace process under the Libyan Political Agreement (LPA).
- Supporting women's rights activists in Libya in their demands for stakeholders to implement a gender quota in every political process to attain greater women's representation in the Libyan government and to ensure that more women are considered for leadership positions on both local and national and international levels.
- Working with Libyan authorities to build up the capacity of public institutions in gender-sensitive programming and inclusion of women in decision-making.

Protect civilians, migrants, asylum seekers and refugees, including by:

- Laying the foundation for an effective and coordinated gender-sensitive strategic approach for Security Sector Reform and Disarmament, Demobilisation and Reintegration to support long-term stabilization.

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9 See, for example, EuroMedWomen, The Situation of Women in Libya: https://www.euromedwomen.foundation/pg/en/documents/view/7126/the-situation-of-women-in-libya

10 Human Rights Watch: http://www.hrw.org/news/2011/09/19/libya-transitional-government-should-support-victims

11 WILPF, Feminism at the Frontline, *op. cit.*

12 https://www.middleeastmonitor.com/20180118-un-calls-for-libya-arms-embargo-to-continue/

13 Dispatch No. 6, Small Arms Survey, April 2016: http://www.smallarmssurvey.org/fileadmin/docs/R-SANA/SANA-Dispatch6-Online-trade.pdf

14 Brookings Institute: https://www.brookings.edu/blog/order-from-chaos/2018/04/20/all-politics-is-local-in-libya-that-could-be-an-opportunity/

- Stopping directing financial aid, vitally needed for humanitarian actions, to military and operations intended to 'end terror' and that only leads to an increased militarized environment.
- Continuing the UN embargo on all weapons sales to Libya and investigating illicit arms online markets.
- Addressing the human rights crisis faced by migrants, asylum seekers and refugees by addressing and preventing human rights violations and abuses they face, including gender-based violence, restrictions on women's freedom of movement and access to economic and educational opportunities.

**Together We Build It (TWBI), an NGO without consultative status, also shares the views expressed in this statement.

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Human Rights Council
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Human rights situations that require the Council's attention

Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Current Human Rights Situation of Rohingya People

1. Introduction

Human Rights Now (HRN), a Tokyo-based international human rights NGO, remains deeply concerned about the situation of displaced Rohingya.

Over 700,000 Rohingya refugees fled last year's violence to camps in Cox's Bazar, Bangladesh, joining about 200,000 from past flights. They face environmental and health risks and a shortfall of services and aid. The Myanmar government has also failed to acknowledged or hold persons accountable for crimes against Rohingya, and the credibility of its responses have been seriously criticized.

HRN calls on the Myanmar government to ensure accountability for crimes against Rohingya and credible good faith responses to address the situation and prevent future violence. The international community must also increase aid to Rohingya refugee camps, and we request the Council to establish an international accountability mechanism.

2. The Current Situation of Rohingya in Bangladesh

Rohingya camps in Bangladesh face serious challenges by a lack of sufficient funding and building space, dangerous weather conditions, and the vast scale of need, even as Rohingya refugees continue to arrive.

(a) Risks in Refugee Camps

Camps face serious flooding and landslides which have damaged 1,326 shelters this summer and caused injuries and deaths, including five refugee children killed by a landslide on July 25, threating refugees' rights to life and health. The risk is driven by severe congestion, shelters built on unstable land and below minimum standards, and serious underfunding for improvements.1 Bangladesh could significantly improve the situation by opening nearby suitable land for camp expansion and by the international community significantly increasing its aid to the camps.

There are concerns with Bangladesh's decision to move to 100,000 Rohingya to Bhasan Char, an uninhabited island in the Bay of Bengal, to address the congestion, however. The move may involve non-voluntary removals, lack of freedom of movement, unreasonable distance from the border and other Rohingya communities, and poor infrastructure threatening Rohingya's rights to life and health.

(b) Lack of Services

There is also a serious shortfall of services for refugees.2 ISCG reports that education coverage is inadequate for adolescents (15 to 24 years old). Food assistance remains seriously underfunded at just 18% of its requirements, health at only 17%, and nutrition services at 31%. The total number of acute watery diarrhea cases in 2018, up to August, was 140,118, and the WHO reported more than 10,000 acute respiratory infection cases per week during July.

Services are particularly needed to address protection risks. Gender based violence services are severely limited for approximately 85% of sites, 115 additional GBV contact points are required, and 10,957 children have been identified as at risk and needing child protection.3 Culturally-sensitive services are also needed especially for victims of sexual violence and rape.4 All of these risks raise concerns about refugees' rights to food, water, life and health, and children's and women's rights.

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1 "ISCG Situation Report: Aug 2018", https://reliefweb.int/report/bangladesh/iscg-situation-report-rohingya-crisis-coxs-bazar-16-august-2018-covering-31st-13th; "Landslides kill five near Rohingya camps in Bangladesh", 25 July 2018, http://www.dailymail.co.uk/wires/afp/article-5989339/Landslides-kill-five-near-Rohingya-camps-Bangladesh.html.
2 The statistics in this section are from *ibid.*
3 ISCG, *supra*, note 1.
4 Alsaafin, "Bangladesh: Rohingya rape survivors battle stigma", Al Jazeera, 8 Aug. 2018, https://www.aljazeera.com/news/southasia/2018/08/bangladesh-rohingya-rape-survivors-battle-stigma-180807152944389.html.

(c) Rohingya Returning to or Remaining in Myanmar

Refugees have consistently reported wanting to return to Myanmar, including in our own interviews.5 However, they also consistently demand, as a precondition, assurances of citizenship, legal rights, access to services, justice, restitution of their homes and property, public recognition of their Rohingya identity, and respect for their rights, peace, and security. Myanmar has reported returnees, but the evidence suggests Rohingya have not been returning in any substantial numbers.6 The Myanmar-Bangladesh agreement to arrange repatriation, which is secret but has been leaked to reporters, has been criticized for not guaranteeing citizenship or freedom of movement.7

Rohingya currently living in Rakhine state are isolated, vulnerable, and struggling to live, having lost their communities.8 This threat to their economic and social rights is compounded by continuing restrictions on humanitarian aid into Rakhine state. There have also been reports of mass arbitrary detentions of Rohingya in Rakhine State,9 and returning refugees have faced detention in Myanmar.10 While these suggest serious violations of Rohingya's freedom from arbitrary detention, Myanmar has not publicly released the numbers of detained Rohingya nor their specific charges.

3. Crackdown on journalists

Myanmar has also been increasingly cracking down on journalists, violating their freedom of expression, particularly those reporting on Rohingya.11 On 9 July 2018, after seven months of detention, a Myanmar court charged two Reuters journalists, Wa Lone and Kyaw Doe Oo, with obtaining state secrets following their investigative reporting of the execution of 10 Rohingya (mentioned above), beginning the trial stage.12 The journalists claim that police planted the documents on them.

Journalists and activists have also faced threats of defamation charges, which carries a two-year sentence. According to one Myanmar journalist, "The most dangerous thing is (that) local people in Rakhine understand (from) some military and police officials that they are allowed to kill someone if they come with a camera."13

4. The Myanmar Government's Continuing Failure to Take Responsibility for the Rohingya Crisis

The response of the Myanmar authorities to the Rohingya crisis has been grossly insufficient given the scale and seriousness of the violations involved. Myanmar authorities have regularly denied allegations of crimes against Rohingya, for example, claiming that Rohingya burned their own houses14 and that the military did not extra-judicially execute Rohinga except in one case of 10 executions where irrefutable evidence was reported (the reporters of which

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5 HRN, "Investigative Report of Rohingya Refugee Camps in Bangladesh", 12 April 2018, http://hrn.or.jp/eng/news/2018/04/12/rohingya-camps-report/.
6 Beech, "Myanmar Official Line: Rohingya Are Returning. But Cracks in That Story Abound", NYTimes, 2 Aug. 2018, https://www.nytimes.com/2018/08/02/world/asia/myanmar-rohingya-rakhine.html.
7 "U.N. urges Myanmar to pave way for Rohingya returns, grant citizenship", Reuters, 8 Aug. 2018, https://www.reuters.com/article/us-myanmar-rohingya-un/u-n-urges-myanmar-to-pave-way-for-rohingya-returns-grant-citizenship-idUSKBN1KT142.
8 Emont & Myo Myo, "Rohingya Muslims Who Remain in Myanmar Struggle to Survive", WSJ, 8 Aug. 2018, https://www.wsj.com/articles/rohingya-muslims-who-remain-in-myanmar-struggle-to-survive-1533720603.
9 Siddiqui & McPherson, "We are always missing you': Torn apart by violence, Rohingya families connect through letters", 13 July 2018, Reuters, https://www.reuters.com/article/us-myanmar-rohingya-messages-insight/we-are-always-missing-you-torn-apart-by-violence-rohingya-families-connect-through-letters-idUSKBN1K31QH.
10 Al Hussein, "Thousands of Rohingya refugees continue to flee violence", OHCHR, 4 July 2018, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23324.
11 Starr, "The Myanmar journalists risking their lives to report on the Rohingya's plight", The National, 3 Aug. 2018, https://www.thenational.ae/arts-culture/the-myanmar-journalists-risking-their-lives-to-report-on-the-rohingya-s-plight-1.756498.
12 Slodkowski & Naing, "Myanmar court files secrets act charges against Reuters reporters ", Reuters, 9 July 2018, https://www.reuters.com/article/us-myanmar-journalists-ruling/myanmar-court-charges-reuters-reporters-under-official-secrets-act-idUSKBN1JZ095.
13 Starr, *supra*, note 17.
14 Beech, "Myanmar Official Line: Rohingya Are Returning. But Cracks in That Story Abound.", NYTimes, 2 Aug. 2018, https://www.nytimes.com/2018/08/02/world/asia/myanmar-rohingya-rakhine.html.

have since been detained).15 The government has also rejected the ICC's request for jurisdiction, calling it "meritless and should be dismissed."16

An Advisory Panel established by the Myanmar government to implement recommendations on the crisis has seen two resignations by Bill Richardson, who accused the panel of whitewashing crimes, and Kobsk Chutikul, who protested the panel's lack of progress.17

According to the Myanmar government, to date, aside from the reported execution mentioned above, there have not been prosecutions or an accountability mechanism established for crimes committed against Rohingya domestically or internationally. In August, The Myanmar Government announce the establishment of the Independent Commission on Enquiry (ICOE)18, however, the body does not seem to seek accountability on grave violations of human rights committed by military.

5. Recommendations

HRN is deeply concerned about the situation of Rohingya refugees and recommends the following.

To Myanmar authorities

- End human rights violations and discrimination against Rohingya
- Release arbitrarily detained Rohingya;
- Immediately ensure Rohingya living in Myanmar have sufficient access to humanitarian aid.
- Ensure accountability for crimes committed against Rohingya;
- Modify its repatriation agreement to address Rohingya citizenship, freedom of movement, and other issues requested by Rohingya,
- including recognition of Rohingya identity, restitution for lost homes and property, and assurances for respect of Rohingya rights, peace, and security.
- Address the route cause of problem and seek long tem solution and implement the recommendations made by the Advisory Commission on Rakhine State led by Mr. Kofi Anan

To the Government of Bangladesh

- Provide nearby suitable land for expanding Rohingya camps and ensure freedom of movement and legal status for refugees.

To the Council

- Establish an international accountability mechanism to facilitate prosecution of crimes against Rohingya.

15 Al Hussein, supra note 8.
16 "Myanmar to ICC: Rohingya jurisdiction request 'should be dismissed'", Reuters, 9 Aug. 2018, https://www.reuters.com/article/us-myanmar-rohingya/myanmar-to-icc-rohingya-jurisdiction-request-should-be-dismissed-idUSKBN1KU1NG.
17 "Citing lack of progress, secretary to Myanmar's Rohingya panel quits", Reuters, 21 July 2018, https://www.reuters.com/article/us-myanmar-rohingya-panel-exclusive/exclusive-citing-lack-of-progress-secretary-to-myanmars-rohingya-panel-quits-idUSKBN1KA2IB.
18 http://www.moi.gov.mm/moi:eng/?q=news/17/08/2018/id-14587.